

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HERBERT WILLIAM MULLIN,)	
)	
Petitioner,)	No. C 08-2707 CRB (PR)
)	
vs.)	ORDER OF TRANSFER
)	
M. MARTEL, Warden,)	
)	
Respondent.)	

Petitioner seeks federal habeas review of the denial of parole from a sentence imposed by Santa Cruz County Superior Court, which lies in this judicial district. See 28 U.S.C. § 84(a). Petitioner is incarcerated at Mule Creek State Prison in Ione, County of Amador, which lies in the Eastern District of California. See id. § 84(b).

Venue is proper in a habeas action in either the district of conviction or the district of confinement, id. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); cf. Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968) (district of conviction preferable forum to review conviction).

Because the County of Amador lies in the Eastern District of California, the court orders that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be transferred to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions as moot.

SO ORDERED.

DATED: June 2, 2008



CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HERBERT W. MULLIN,
Plaintiff,

Case Number: CV08-02707 CRB

CERTIFICATE OF SERVICE

v.

MARTEL et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Herbert William Mullin B-51410
Mule Creek State Prison
Rm.# 10-112 UP
P.O. Box #409040
Ione, CA 95640

Dated: June 2, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk